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DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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BOARD OF REVIEW

**MINUTES OF REGULAR MEETING OF
THE BOARD OF REVIEW
JUNE 15, 2022**

NANCY HUNT, CHAIRPERSON

WILLIAM SCAGLIONE, VICE-CHAIR

ANDREA JACKSON, ACTING EXECUTIVE SECRETARY

BOARD OF REVIEW MEETING June 15, 2022

June 15, 2022

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A regular meeting of the Board of Review was held on Wednesday, June 15, 2022 at 10:00 a.m., via conference call, in Trenton, New Jersey

PRESENT: Nancy Hunt, Chairperson, William Scaglione, Vice-Chairperson, Maria Zola, Acting Executive Secretary,

In accordance with L1975, c.231, the Chairperson to the Board of Review opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trenton Times, Newark Star Ledger and Courier Post and posted in the Lobby of the Department of Labor, 1 John Fitch Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

BOARD OF REVIEW MEETING –JUNE 15, 2022 AGENDA

BOARD MINUTES:

Submitted for adoption are the minutes of the June 1, 2022, Board meeting.

ACTION: BOARD VOTED TO ADOPT THE MINUTES OF THE JUNE 1, 2022, BOARD MEETING.

SECTION A – HEARING MATTERS:

A-1 VACATED APPEALS BY THE BOARD OF REVIEW

1. BETH CALEFATI BOR DKT. 00253406

Claimant's letter was erroneously docketed as an appeal to the Board of Review.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A VACATED APPEAL BY THE BOARD OF REVIEW.

A-2 DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE

1. ANNMARIE LOZADA BOR DKT. 00238480

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and an ineligibility under ability to work.

2. SHEILA DENSON BOR DKT. 00254591

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under ability to work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DISMISSED APPEALS BY THE BOARD OF REVIEW DUE TO UNTIMELY FILING OR FOR NON-JUSTICIABLE APPEAL ISSUE.

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A-3 DENIAL OF REOPENING REQUESTS BY THE BOARD OF REVIEW

1. DAVID MURIEL BOR DKT. 00228414

Board of Review affirmed the Appeal Tribunal's denial of the claimant's request to vacate an appeal dismissing the appeal for non-appearance.

2. RONALD SANDS BOR DKT. 00216821

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving the job voluntarily.

3. ANTHONY WITHERS BOR DKT. 00246993

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving the job voluntarily and denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

4. MARIA LLERENA BOR DKT. 00232137

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision dismissing the appeal as late without good cause.

5. NICOLE BARNETT BOR DKT. 00247117

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claimant disqualified for benefits for leaving the job voluntarily and a liability to a refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS DENIAL OF REOPENING REQUESTS BY THE BOARD OF REVIEW.

A-4 AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. ALEX BERMUDEZ BOR DKT. 00250619

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for misconduct connected with the work, and a liability for a non-fraud refund.

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2. MARIA BASURTO BOR DKT. 00253269

Claimant appealed a decision of the Appeal Tribunal holding her ineligible for Pandemic Unemployment Assistance (PUA) as the claimant's unemployment was not due to one of the COVID-19 related reasons under the CARES Act, and liable for a non-fraud refund.

3. ARIANA DURAN BOR DKT. 00252934

Claimant appealed a decision of the Appeal Tribunal dismissing appeal as late without good cause.

4. ANN KATONA BOR DKT. 00251982

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, an ineligibility of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons identified under the CARES Act, and a liability for a non-fraud refund.

5. SUSIE ARIAS BOR DKT. 00254870

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work and a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons.

6. JACK GUZMAN BOR DKT. 00251251

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund.

7. RACHID ELGHARFAOUI BOR DKT. 00251792

Claimant appealed a decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily, and a liability for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS AFFIRMATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

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A-5 MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. JASMINE ESTRADA BOR DKT. 00251372

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, and a liability to a non-fraud refund.

2. TIONDRA COOPER BOR DKT. 00250942

Claimant appealed a decision of the Appeal Tribunal holding the claimant liable for a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS MODIFICATIONS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW.

A-6 REOPENED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. CHRISTOPHER SANTIAGO BOR DKT. 00249260

Claimant requests a reconsideration of the Board of Review decision affirming the Appeal Tribunal decision holding the claim for Unemployment Compensation for Ex-Servicemen benefits invalid on the ground that the claimant lacked qualifying wages to establish a valid claim.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REOPENED AND REMANDED DECISION TO THE APPEAL TRIBUNAL.

A-7 REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW

1. JASMIN SMITH BOR DKT. 00249486

Claimant appealed a decision of the Appeal Tribunal holding an ineligibility for benefits under employed full-time and a refund liability due to employed with earnings.

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2. KERYNN SZCZUBELEK BOR DKT. 00251702

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily without good cause attributable to the work, a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons, and a liability to a non-fraud refund.

3. DEANNA HILL BOR DKT. 00266380

Employer appealed the decision of the Appeal Tribunal holding no disqualification for benefits for misconduct connected with the work.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASES AS REMANDS TO THE APPEAL TRIBUNAL OR DEPUTY BY THE BOARD OF REVIEW.

A-8 REVERSED AND REMANDED DECISIONS TO THE APPEAL TRIBUNAL

1. ANYAH MARTIN BOR DKT. 00287369

Claimant appealed the decision of the Appeal Tribunal dismissing the appeal, through the date the determination notice was mailed, as late without good cause.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSED AND REMANDED DECISION TO THE APPEAL TRIBUNAL.

A-9 REVERSALS OF APPEAL TRIBUNAL DECISIONS BY THE BOARD OF REVIEW

1. TRICIA RINALDI BOR DKT. 00253524

Claimant appealed the decision of the Appeal Tribunal holding a disqualification of benefits for leaving work voluntarily and a liability to a non-fraud refund.

ACTION: BOARD VOTED TO ACCEPT THE ABOVE CASE AS A REVERSAL OF AN APPEAL TRIBUNAL DECISION BY THE BOARD OF REVIEW.

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SECTION B – MISCELLANEOUS MATTERS/CASES FOR DISCUSSION

B-1 ELEKTRA AGYEMAN

BOR DKT. 00251463

Claimant appealed a decision of the Appeal Tribunal holding the claimant ineligible for benefits under availability for work and a liability for a non-fraud refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING WHETHER THE CLAIMANT HAS A VALID CLAIM FOR REGULAR UNEMPLOYMENT BENEFITS AND FOR THE APPEAL TRIBUNAL TO DECIDE WHETHER THE CLAIMANT IS ELIGIBLE FOR REGULAR UNEMPLOYMENT BENEFITS OR PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA) BENEFITS.

B-2 AHMAD SOUEID

BOR DKT. 00251506

Claimant appealed a denial of Pandemic Unemployment Assistance (PUA) benefits as the claimant's unemployment was not due to one of the COVID-19 related reasons and a liability for a non-fraud refund. (**Appellate Specialist Jackson**)

ACTION: BOARD VOTED TO REMAND THIS CASE TO THE APPEAL TRIBUNAL FOR ADDITIONAL TESTIMONY REGARDING THE CLAIMANT'S WEEK TO WEEK EARNINGS IN ORDER TO DETERMINE WHETHER THE CLAIMANT WAS EMPLOYED FULL-TIME OR ELIGIBLE FOR PARTIAL BENEFITS, AND FOR THE APPEAL TRIBUNAL TO CONSIDER NEW MEDICAL EVIDENCE SUBMITTED FROM THE CLAIMANT.